



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



President – Bill Pease • Vice-President – Robert Leete • Director – Kevin Graves • Director – Mark Simon • Director – Chris Steele

## MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY

Wednesday May 18, 2016

REGULAR MEETING 7:00 P.M.

Community Center

1601 Discovery Bay Boulevard, Discovery Bay, California

Website address: [www.todb.ca.gov](http://www.todb.ca.gov)

### REGULAR MEETING 7:00 P.M.

#### **A. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Call business meeting to order – 7:00 p.m. by President Pease

Pledge of Allegiance – Led by Director Steele

Roll Call – All Present

Legal Counsel Attebery – Government Code Section 54954.2 allows a Board to add an item to the agenda under circumstances listed below:

1. The Item came to the attention of the Board after the agenda was posted, and
2. The item requires the immediate attention of the Board

The item is regarding the Byron Bethany Irrigation District detachment and the County administrator is requesting comments related to the action of reallocating taxes to East Contra Costa Fire Protection District or to Fire Protection services in general. The Board of Supervisors must act on the negotiation side of the taxes prior to the detachment occurring before the item goes to LAFCO. The Board of Supervisors is meeting on May 24<sup>th</sup> to consider this item and there will not be a meeting prior to that date, therefore the item is added to this agenda for action under E-6.

Motion by: Director Simon to add item E-6 Byron Bethany Detachment – to authorize the Board President to sign a letter on behalf of the District to the Contra Costa County Board of Supervisors regarding the County staff recommendation related to the Byron Bethany Detachment process.

Second by: Director Graves

Vote: Motion Carried – AYES: 5, NOES: 0

#### **B. PUBLIC COMMENTS (Individual Public Comments will be limited to a 3-minute time limit)**

There were 2 public comment speakers – 1) regarding the landscaping in Discovery Bay, landscaping along the wall on Highway 4, and the monitoring of the areas that are not within a Home Owner Association; 2) regarding battery type motors on Willow Lake.

#### **C. CONSENT CALENDAR**

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. Approval of DRAFT minutes of special meeting for May 4, 2016
2. Approval of DRAFT minutes of regular meeting for May 4, 2016
3. Approve Register of District Invoices

Motion by: Vice-President Leete to approve the Consent Calendar

Second by: Director Simon

Vote: Motion Carried – AYES: 5, NOES: 0

**D. MONTHLY WATER AND WASTEWATER REPORT – VEOLIA**

**1. Veolia Report – Month of April 2016**

Project Manager Berney Sadler – Provided the details of the April 2016 Monthly Operations Report.

**E. BUSINESS AND ACTION ITEMS**

**1. Consider authorizing the Prop 218 notification for the proposed Water and Wastewater Rates and set July 20, 2016, for the Prop 218 Public Hearing**

Finance Manager Breitstein – Provided the details of the Water and Wastewater Rate Studies from Bartle Wells and Associates for the 5 year period beginning July 1, 2016 and ending June 2017.

There were 4 public comment speakers 1) Regarding the capacity - Interim General Manager Kutsuris – Provided details regarding the capacity and that the wastewater rates are not for an expanded capacity and the Filtration Project is the driver for wastewater, which is required by the Regional Water Quality Control Board and is also part of the District permit. 2) Regarding rates increasing and water conservation; 3) Regarding the meters throughout Discovery Bay and the water and wastewater rates increasing. Interim General Manager Kutsuris – Commented on the increasing regulations from the State, which placed requirements on the District in order to build infrastructure for the wastewater side. Regarding the increase in rates for water that driver is the need for a new (Well No. 8), and the pending retirement of another Well. In terms of the water rates, over the past several years there has been an increased amount of money spent on emergency water repairs. The move towards metering will benefit those that are not metered since the amount on a property tax bill is an average of heavy water use and those that conserve. The residents with a meter will receive a monthly water bill and be able to control their usage. 4) Whether the filtration project will improve water quality. The board stated that there are different pipes for water and wastewater, and that the filtration system is for wastewater. The Interim General Manager Kutsuris stated that the \$7.4 million dollar project will improve what goes into the delta, that portion does not help what is coming into the pipes, whereas the district annual water quality report will show the quality of the water; that report is approved and will be in the mailboxes shortly. The inclusion of Well No. 8 and the importance of that Well will be for reliability of the system.

Motion by: Vice-President Leete direct staff to set a Public Hearing for July 20, 2016 on the adoption of the proposed rate increase(s) for the period FY 2016-17 through FY 2020-21; (2) Direct staff to advertise the notice of the Public Hearing once a week for two weeks prior to the date set for the Public Hearing in a newspaper of general circulation; and 3) Direct staff to prepare the necessary adoption resolution pursuant to the Proposition 218 Public Hearing.

Second by: Director Simon

Vote: Motion Carried – AYES: 5, NOES: 0

**2. Consider approving Resolution No. 2016-06 related to the November 8, 2016 election for the Board of Directors**

Interim General Manager Kutsuris – Provided the details regarding the November 8 election and there are two seats which are up for election, currently held by Board President Bill Pease and Director Mark Simon

Motion by: Director Graves to move to accept the report and approve Resolution No. 2016-06 ordering the Board of Director elections on November 8, 2016, and the District's specifications for the election.

Second by: Director Steele

Vote: Motion Carried – AYES: 5, NOES: 0

**3. Consider approving changes to the California Special District Association Bylaws**

Interim General Manager Kutsuris – Provided the details regarding the California Special District Association Bylaws and the recommendations to accept the bylaws.

Motion by: Director Simon to accept the report regarding the proposed California Special District Association Bylaw changes and authorize the Board President to register a “yes” vote on behalf of the District.

Second by: Vice-President Leete

Vote: Motion Carried – AYES: 5, NOES: 0

**4. Consider approving the Contract with Luhdorff and Scalmanini, Consulting Engineers, in an amount of \$20,405.00 for the update to the Urban Water Management Plan**

Interim General Manager Kutsuris – Provided the details regarding the State requirements for the preparation of the Urban Water Management Plan. The 2010 UWMP was adopted by this Board in January 2016 and at that time it was recognized the need for the 2015 UWMP. The original amount from Luhdorff and Scalmanini, Consulting Engineers was approximately \$25,000 and was negotiated down to \$20,405; the project should be complete in August of this year.

Motion by: Director Simon to authorize the Interim General Manager to sign a contract in the amount of \$20,405.00 with Luhdorff and Scalmanini Consulting Engineers for the preparation of the updated 2015 Urban Water Management Plan.

Second by: Vice-President Leete

Vote: Motion Carried – AYES: 5, NOES: 0

**5. Consider approving Resolution No. 2016-07 for the Fire Hydrant Policy for the Town of Discovery Bay**

Interim General Manager Kutsuris – This item will be continued to the June 1, 2016

**6. Byron Bethany Detachment – Authorize letter to Contra Costa County**

Legal Counsel Attebery – Provided the details regarding the Byron Bethany Irrigation District detachment. The Board of Supervisors staff recommendation is going to be that the ad valorem tax that is received by BBID be reallocated to East Contra Costa Fire District. There was discussion between the Board and Legal Counsel regarding the steps after the Board of Supervisors meeting on May 24<sup>th</sup>. Legal Counsel stated that in order to detach property that the Cortese-Knox Act requires that the detachment be heard by LAFCO and that LAFCO make the determination that detachment is appropriate.

There were 2 public comment speakers regarding the reallocation of taxes. Legal Counsel Attebery stated that the reallocation of taxes is property taxes and those taxes are divided by a tax area. There are different qualifying taxing entities that receive a portion of the 1%, there are 8 different taxing entities that include Schools, Fire, General Fund for the County, BBID, a multitude of services that are provided throughout the County here in Discovery Bay. This case the Auditor-Controller takes the tax received by BBID and distributes proportionally to those qualifying entities and Discovery Bay is not an entity that receives a tax in that area. The discussion continued with the Board regarding the funds and that the Cities have a legal responsibility to provide fire protection for the residents and that is the intent Staff will be bringing to the Board of Supervisors.

Motion by: Vice-President Leete to authorize the Board President to sign a letter on behalf of the District to the Contra Costa County Board of Supervisors regarding the County staff recommendation related to the Byron Bethany Detachment process.

Second by: Director Simon

Vote: Motion Carried – AYES: 5, NOES: 0

**F. INFORMATIONAL ITEMS ONLY (NO ACTION NECESSARY)**

None

**G. PRESENTATIONS**

**H. PRESIDENT REPORT AND DIRECTORS' COMMENTS**

Director Graves – Provided his report and the details of the Contra Costa County Aviation Advisory Committee meeting on May 12, 2016 in regards to improving Vasco Road to Byron Highway and for the East Contra Costa County Fire Protection District meeting on May 2, 2016.

Vice-President Leete – Provided the details of the East County Water Management meeting on May 12<sup>th</sup> regarding various State propositions.

**I. MANAGER'S REPORTS – Discussion and Possible Action**

None

**J. GENERAL MANAGER'S REPORT – Discussion and Possible Action**

None

**K. DISTRICT LEGAL COUNSEL REPORT**

Legal Counsel Attebery - Introduced a new associate with Neumiller and Beardslee, Andy Pinasco.

**L. SUB-COMMITTEE UPDATES – Discussion and Possible Action**

President Pease – Park and Recreation meeting May 18, 2016 discussion regarding the sign for the renaming of the Cornell Park Baseball field in honor of Darryl Weeden.

**M. CORRESPONDENCE – Discussion and Possible Action**

1. R – Letter from Hanson Bridgett LLP to East Contra Costa Fire Protection District regarding Legal Analysis Property Tax Revenue Transfers 04-29-2016
2. R - Letter from Contra Costa County Office of the Sheriff regarding vehicular speeding 04-28-2016
3. R - Letter & Brochure from Gary Phillips, Executive Vice-President regarding the Bob Murray, & Associates recruitment status update for the Town of Discovery Bay General Manager
4. R - Letter from Contra Costa County Supervisor Piepho regarding Brentwood Agricultural Land Trust's Acquisition
5. R - Contra Costa County Aviation Advisory Committee meeting minutes 03-10-2016
6. R - Contra Costa County Aviation Advisory Committee meeting minutes 04-14-2016
7. R - East Contra Costa Fire Protection District meeting minutes 04-04-2016

Interim General Manager Kutsuris – Provided details regarding Contra Costa County Office of the Sheriff, an update on the Bob Murray recruitment, and the letter regarding Brentwood Agricultural Land Trust's Acquisition on the Cecchini Property. There was discussion between the Board and the Interim General Manager in regards to the development rights on the property.

**N. PUBLIC RECORD REQUESTS RECEIVED**

None

**O. FUTURE AGENDA ITEMS**

None

**P. ADJOURNMENT**

The meeting adjourned at 7:56 p.m. to the next Regular meeting of June 1, 2016 starting at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

//cmc – 05-20-16

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